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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HAGLER et al.

Serial No. 09/668,623

Filed: September 22, 2000

For: *System and Method for Auto-
Configuration of a DSL Modem*

Attorney Docket No. 10547-011-999

Date: April 3, 2001

PETITION UNDER 37 CFR §1.47(a)

Assistant Commissioner of Patents
Washington, D.C. 20231

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Sir:

The undersigned attorney respectfully requests the granting of this petition under 37 CFR §1.47(a). The undersigned attorney makes this petition as the authorized representative of Telocity Delaware, Inc., assignee of the subject application ("the Assignee").

As indicated in the attached Declaration by Dion M. Bregman, the specification was originally filed with an unsigned declaration listing Christopher S. Hagler and Adam Powers as inventors. Adam Powers refuses to sign the patent declaration. Mr. Powers was employed by the Assignee at the time the invention was conceived and developed.

Before filing the application, each inventor was provided with a copy of the application and had an opportunity to review the application. After filing the application, Mr. Hagler and Mr. Powers were again presented with a copy of the filed application, together with declaration and assignment documents (including serial number and filing date). Mr. Hagler has subsequently executed the attached documents. Mr. Powers, however, refuses to sign the documents.

The undersigned is empowered to file this petition and the accompanying declaration on behalf of Telocity Delaware, Inc., pursuant to the Power of Attorney by assignee filed herewith.

10547-011-999

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130.00 CH



USSN 09/668,623

An executed Declaration for Application and Assignment by Christopher S. Hagler made on his own behalf and the behalf of the non-signing inventor, is also filed herewith in accordance with 37 C.F.R. § 1.47(a) and MPEP 409.03(a).

The last known work address and residential telephone number for the non-signing inventor, Adam Powers, are believed to be as follows:

NURON
122 Saratoga
Santa Clara, CA 95051
Tel: (408) 674-5865


(As stated in the attached Declaration of Dion M. Bregman, the last known residential address for Mr. Powers is no longer valid)

The Commissioner is authorized to charge the required fee, believed to be \$130 pursuant to 37 C.F.R. 1.17(i), to Pennie and Edmond's LLP deposit account No. 16-1150 (Order No. 10547-011-999). A copy of this page is enclosed for such purpose.

Respectfully submitted,

PENNIE & EDMONDS LLP

By:


Dion M. Bregman, Reg. No. 45,645
for Thomas D. Kohler, Reg. No. 32,797

3300 Hillview Avenue
Palo Alto, CA 94304
(650) 493-4935

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WRITER'S DIRECT DIAL:
(650) 849-7603

INTERNET ADDRESS:
BREGMAND@PENNIE.COM

January 11, 2000

Via Federal Express

Adam Powers
NURON
122 Saratoga
Santa Clara, CA 95051

Re: U.S. Patent Application No. 09/668,623
Filing Date: September 22, 2000
Title: *System and Method for Auto-Configuration of a DSL Modem*
Inventors: Hagler and Powers
Our Ref. 10547-0011-999

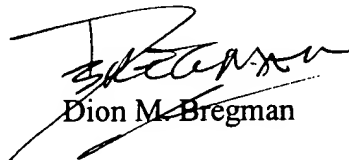
Mr. Powers:

Enclosed is a copy of the patent application and drawings as filed with the Patent Office on September 22, 2000. Also enclosed are formal documents, including a declaration (*please insert your citizenship*) and an assignment. Please read the application, and afterwards, sign and date the enclosed declaration and assignment forms, and return them to us in the enclosed Federal Express envelope.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

PENNIE & EDMONDS LLP



Dion M. Bregman

DMB:bj
Encls.

cc: Michael Parsons
Thomas D. Kohler

FEDERAL EXPRESS
POWERSHIP 3 RECEIPT

SENDER:
Dion M. Bregman
Pennie & Edmonds LLP
3300 HILLVIEW AVENUE

PALO ALTO
CA 94304

RECIPIENT:
ADAM POWERS
NURON
122 SARATOGA

SANTA CLARA
CA 95051

TRACKING #: 312 2557 846
DATE: 01/11/01

SERVICE: PRIORITY LETTER
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WRITER'S DIRECT DIAL:
(650) 849-7603

INTERNET ADDRESS:
BREGMAND@PENNIE.COM

December 12, 2000

Via Certified Mail

Adam Powers
630 Park View Drive, Apt. 108
Santa Clara, CA 95054

Re: U.S. Patent Application No. 09/668,623
Filing Date: September 22, 2000
Title: *System and Method for Auto-Configuration of a DSL Modem*
Inventors: Hagler and Powers
Our Ref: 10547-0011-999

Mr. Powers:

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If you have any questions, please do not hesitate to contact us.

Very truly yours,

PENNIE & EDMONDS LLP


Dion M. Bregman

DMB:bj
Encls.

cc: Michael Parsons
Thomas D. Kohler

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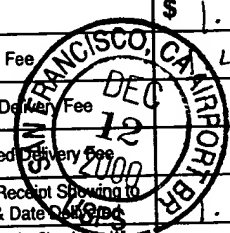
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Adam Powers	
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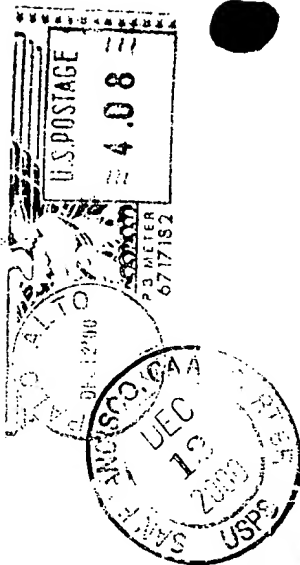
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ENCLOSURE

W2/D



PENNIE & EDMONDS LLP
3300 HILLVIEW AVENUE
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To:

Adam Powers
630 Park View Drive, Apt. 108
Santa Clara, CA 95054

Name

1st Notice

2nd Notice 1-19-01

Return 1-29-01

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